



General Assembly

January Session, 2009

Committee Bill No. 365

LCO No. 2737

* ____SB00365APP__042809__ *

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

AN ACT CONCERNING CAPTIVE AUDIENCE MEETINGS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2009*) (a) As used in this
2 section:

3 (1) "Employer" means a person engaged in business who has
4 employees, including the state and any political subdivision of the
5 state;

6 (2) "Employee" means any person engaged in service to an employer
7 in a business of such employer;

8 (3) "Labor organization" means any organization that exists for the
9 purpose, in whole or in part, of collective bargaining or of dealing with
10 employers concerning grievances, terms or conditions of employment,
11 or of other mutual aid or protection in connection with employment;

12 (4) "Politics" means the activities or affairs engaged in by
13 government or a political party;

14 (5) "Political" means relative to, involving or characteristic of politics

15 or politicians; and

16 (6) "Political matters" includes political party affiliation or the
17 decision to join or not join any lawful political, social or community
18 group or activity or any labor organization.

19 (b) Except as provided in subsection (f) of this section, no employer,
20 and no agent, representative or designee of such employer, shall
21 require its employees to attend an employer-sponsored meeting with
22 the employer or its agent, representative or designee, the primary
23 purpose of which is to communicate the employer's opinion
24 concerning religious or political matters, except that an employer or its
25 agent, representative or designee may communicate to its employees
26 any information concerning religious or political matters that the
27 employer is required by law to communicate, but only to the extent of
28 such legal requirement.

29 (c) No employer, and no agent, representative or designee of such
30 employer, shall discharge, discipline or otherwise penalize, or threaten
31 to discharge, discipline or otherwise penalize, any employee because
32 the employee, or a person acting on behalf of the employee, makes a
33 good-faith report, orally or in writing, of a violation or a suspected
34 violation of this section. The provisions of this subsection shall not
35 apply when the employee knows that such report is false.

36 (d) Any employee who is discharged, disciplined or otherwise
37 penalized in violation of the provisions of this section may bring a civil
38 action, not later than ninety days after the date of the alleged violation,
39 in the superior court for the judicial district where the violation is
40 alleged to have occurred or where the employer has its principal office.
41 The court may award a prevailing employee all appropriate relief,
42 including rehiring or reinstatement of the employee to the employee's
43 former position, back pay and reestablishment of any employee
44 benefits to which the employee would otherwise have been eligible if
45 such violation had not occurred. The court shall award a prevailing
46 employee treble damages, together with reasonable attorney's fees and

47 costs.

48 (e) Nothing in this section shall be construed to limit an employee's
 49 right to bring a common law cause of action against an employer for
 50 wrongful termination or to diminish or impair the rights of a person
 51 under any collective bargaining agreement.

52 (f) Nothing in this section shall prohibit: (1) A religious organization
 53 from requiring its employees to attend a meeting sponsored by such
 54 religious organization or to participate in any communications with
 55 such religious organization or its agent, representative or designee, the
 56 primary purpose of which is to communicate such religious
 57 organization's religious beliefs, practices or tenets; (2) a political
 58 organization from requiring its employees to attend a meeting
 59 sponsored by such political organization or to participate in any
 60 communications with such political organization or its agent,
 61 representative or designee, the primary purpose of which is to
 62 communicate such political organization's political tenets or purposes;
 63 (3) an institution of higher education, or any agent, representative or
 64 designee of such institution, from meeting with or participating in any
 65 communications with its employees concerning political or religious
 66 matters that are part of the regular coursework or any symposia or
 67 academic program at such institution; or (4) casual conversations
 68 between employees or between an employee and an agent,
 69 representative or designee of an employer, provided participation in
 70 such conversations is not required and such conversations occur in the
 71 normal course of the employee's duties.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	New section

LAB *Joint Favorable*

JUD *Joint Favorable*

APP *Joint Favorable*